

AMENDED IN SENATE MARCH 8, 2001

AMENDED IN SENATE FEBRUARY 21, 2001

SENATE BILL

No. 26

Introduced by Senator Figueroa

December 4, 2000

An act to amend Sections 101, 3750.51, 6704.1, 7011, and 8027 of, and to repeal and add Section 2475 of, the Business and Professions Code, and to amend Section 1.5 of an initiative act entitled “An Act to establish a board of osteopathic examiners, to provide for their appointment, and to prescribe their powers and duties; to regulate the examination of applicants, who are graduates of osteopathic schools, for any form of certificate to treat disease, injuries, deformities, or other physical or mental conditions; to regulate the practice of those so licensed, who are graduates of osteopathic schools; to impose upon said board of osteopathic examiners all duties and functions, relating to graduates of osteopathic schools, holding or applying for any form of certificate or license, heretofore exercised and performed by the board of medical examiners of the State of California under the provisions of the state medical practice act, approved June 2, 1913, and acts amendatory thereof” approved by electors November 7, 1922 (the Osteopathic Act), relating to professions and vocations, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL’S DIGEST

SB 26, as amended, Figueroa. Professions and vocations.

(1) Existing law provides for the Department of Consumer Affairs to regulate certain professional boards.

This bill would make additions, corrections, and deletions to the list of boards regulated by the department.

This bill would also revise licensing requirements relative to the practice of podiatric medicine.

(2) Existing law requires an accusation filed against a licensed respiratory care practitioner to be filed within a specified time period, except under certain conditions.

This bill would provide for an extension of the time period to file the accusation if material evidence relevant to the determination of the accusation is unavailable due to a criminal investigation.

(3) Existing law requires the Department of Consumer Affairs to conduct a review of specific engineering branch titles and to report its findings and recommendations to the Legislature by September 1, 2001.

This bill would instead require the department to report to the Legislature by September 1, 2002.

(4) Existing law requiring the Contractors' State License Board to appoint a registrar of contractors becomes inoperative on July 1, 2001, and is repealed on January 1, 2002.

This bill would instead provide that the requirement becomes inoperative on July 1, 2003, and is repealed on January 1, 2004.

(5) Existing law imposes various requirements on court reporting schools, including, among other things, requiring the filing of a current school catalog with the Court Reporters Board of California.

This bill would prohibit a school from requiring more than one 10-minute qualifying examination for a student to be eligible to sit for the examination to be certified as a court reporter. The bill would require the board to implement various regulatory requirements by September 1, 2001.

(6) The Osteopathic Act, an initiative measure approved by the electors on June 2, 1913, provides for the regulation and licensing of osteopathic physicians and surgeons in this state by the Osteopathic Medical Board of California. The board presently consists of 5 licensed osteopaths and 2 members of the public.

This bill would increase the number of public members to 4. ~~This~~ *The bill would require 2 of the public members to be appointed by the Governor and require the Speaker of the Assembly and the Senate Committee on Rules to each appoint one member.* The bill would also provide that support for specified functions of the Osteopathic Medical



Board of California shall be transferred to the Department of Consumer Affairs, ~~as specified.~~

(7) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ²/₃. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 101 of the Business and Professions
2 Code is amended to read:
3 101. The department is comprised of:
4 (a) The Dental Board of California.
5 (b) The Medical Board of California.
6 (c) The State Board of Optometry.
7 (d) The California State Board of Pharmacy.
8 (e) The Veterinary Medical Board.
9 (f) The California Board of Accountancy.
10 (g) The California Architects Board.
11 (h) The Bureau of Barbering and Cosmetology.
12 (i) The Board for Professional Engineers and Land Surveyors.
13 (j) The Contractors' State License Board.
14 (k) The Bureau for Private Postsecondary and Vocational
15 Education.
16 (l) The Structural Pest Control Board.
17 (m) The Bureau of Home Furnishings and Thermal Insulation.
18 (n) The Board of Registered Nursing.
19 (o) The Board of Behavioral Sciences.
20 (p) The State Athletic Commission.
21 (q) The Cemetery and Funeral Bureau.
22 (r) The State Board of Guide Dogs for the Blind.
23 (s) The Bureau of Security and Investigative Services.
24 (t) The Court Reporters Board of California.
25 (u) The Board of Vocational Nursing and Psychiatric
26 Technicians.
27 (v) The Landscape Architects Technical Committee.
28 (w) The Bureau of Electronic and Appliance Repair.
29 (x) The Division of Investigation.
30 (y) The Bureau of Automotive Repair.

(z) The State Board of Registration for Geologists and Geophysicists.

(aa) The Respiratory Care Board of California.

(ab) The Acupuncture Board.

(ac) The Board of Psychology.

(ad) The California Board of Podiatric Medicine.

(ae) The Physical Therapy Board of California.

(af) The Arbitration Review Program.

(ag) The Committee on Dental Auxiliaries.

(ah) The Hearing Aid Dispensers Bureau.

(ai) The Physician Assistant Committee.

(aj) The Speech-Language Pathology and Audiology Board.

(ak) The California Board of Occupational Therapy.

(al) The Osteopathic Medical Board of California.

(am) Any other boards, offices, or officers subject to its jurisdiction by law.

SEC. 2. Section 2475 of the Business and Professions Code, as amended by Section 27 of Chapter 655 of the Statutes of 1999, is repealed.

SEC. 3. Section 2475 is added to the Business and Professions Code, to read:

2475. Unless otherwise provided by law, no postgraduate trainee, intern, resident postdoctoral fellow, or instructor may engage in the practice of podiatric medicine, or receive compensation therefor, or offer to engage in the practice of podiatric medicine unless he or she holds a valid, unrevoked, and unsuspended certificate to practice podiatric medicine issued by the division. However, a graduate of an approved college or school of podiatric medicine upon whom the degree doctor of podiatric medicine has been conferred, who is issued a limited license, which may be renewed annually for up to four years for this purpose by the division upon recommendation of the board, and who is enrolled in a postgraduate training program approved by the board, may engage in the practice of podiatric medicine whenever and wherever required as a part of that program under the following conditions:

(a) A graduate with a limited license in an approved internship, residency, or fellowship program may participate in training rotations outside the scope of podiatric medicine, under the supervision of a physician and surgeon who holds a medical doctor

1 or doctor of osteopathy degree wherever and whenever required
2 as a part of the training program, and may receive compensation
3 for that practice. If the graduate fails to receive a license to practice
4 podiatric medicine under this chapter within two years from the
5 commencement of the postgraduate training, all privileges and
6 exemptions under this section shall automatically cease.

7 (b) Podiatric hospitals functioning as a part of the teaching
8 program of an approved college or school of podiatric medicine in
9 this state may exchange instructors or resident or assistant resident
10 podiatrists with another approved college or school of podiatric
11 medicine not located in this state, or those hospitals may appoint
12 a graduate of an approved school as such a resident for purposes
13 of postgraduate training. Those instructors and residents may
14 practice and be compensated as provided in paragraph (1), but that
15 practice and compensation shall be for a period not to exceed one
16 year.

17 SEC. 4. Section 3750.51 of the Business and Professions
18 Code is amended to read:

19 3750.51. (a) Except as provided in subdivisions (b) and (c),
20 any accusation filed against a licensee pursuant to Section 11503
21 of the Government Code shall be filed within three years from the
22 date the board discovers the alleged act or omission that is the basis
23 for disciplinary action, or within seven years from the date the
24 alleged act or omission that is the basis for disciplinary action
25 occurred, whichever occurs first.

26 (b) An accusation filed against a licensee pursuant to Section
27 11503 of the Government Code alleging the procurement of a
28 license by fraud or misrepresentation is not subject to the
29 limitations set forth in subdivision (a).

30 (c) The limitation provided for by subdivision (a) shall be
31 tolled for the length of time required to obtain compliance when
32 a report required to be filed by the licensee or registrant with the
33 board pursuant to Article 11 (commencing with Section 800) of
34 Chapter 1 is not filed in a timely fashion.

35 (d) If an alleged act or omission involves a minor, the
36 seven-year limitations period provided for by subdivision (a) shall
37 be tolled until the minor reaches the age of majority.

38 (e) The limitation provided by subdivision (a) shall be tolled
39 during any period if material evidence necessary for prosecuting
40 or determining whether a disciplinary action would be appropriate

1 is unavailable to the board due to an ongoing criminal
2 investigation.

3 SEC. 5. Section 6704.1 of the Business and Professions Code
4 is amended to read:

5 6704.1. (a) The Department of Consumer Affairs, in
6 conjunction with the board, and the Joint Legislative Sunset
7 Review Committee shall review the engineering branch titles
8 specified in Section 6732 to determine whether certain title acts
9 should be eliminated from this chapter, retained, or converted to
10 practice acts similar to civil, electrical, and mechanical
11 engineering, and whether supplemental engineering work should
12 be permitted for all branches of engineering. The department shall
13 contract with an independent consulting firm to perform this
14 comprehensive analysis of title act registration.

15 (b) The independent consultant shall perform, but not be
16 limited to, the following: (1) meet with representatives of each of
17 the engineering branches and other professional groups; (2)
18 examine the type of services and work provided by engineers in all
19 branches of engineering and interrelated professions within the
20 marketplace, to determine the interrelationship that exists between
21 the various branches of engineers and other interrelated
22 professions; (3) review and analyze educational requirements of
23 engineers; (4) identify the degree to which supplemental or
24 “overlapping” work between engineering branches and
25 interrelated professions occurs; (5) review alternative methods of
26 regulation of engineers in other states and what impact the
27 regulations would have if adopted in California; (6) identify the
28 manner in which local and state agencies utilize regulations and
29 statutes to regulate engineering work; and, (7) recommend
30 changes to existing laws regulating engineers after considering
31 how these changes may effect the health, safety, and welfare of the
32 public.

33 (c) The board shall reimburse the department for costs
34 associated with this comprehensive analysis. The department shall
35 report its findings and recommendations to the Legislature by
36 September 1, 2002.

37 SEC. 6. Section 7011 of the Business and Professions Code is
38 amended to read:

39 7011. The board by and with the approval of the director shall
40 appoint a registrar of contractors and fix his or her compensation.



1 The registrar shall be the executive officer and secretary of the
2 board and shall carry out all of the administrative duties as
3 provided in this chapter and as delegated to him or her by the
4 board.

5 For the purpose of administration of this chapter, there may be
6 appointed a deputy registrar, a chief reviewing and hearing officer
7 and, subject to Section 159.5, other assistants and subordinates as
8 may be necessary.

9 Appointments shall be made in accordance with the provisions
10 of civil service laws.

11 This section shall become inoperative on July 1, 2003, and, as
12 of January 1, 2004, is repealed, unless a later enacted statute,
13 which becomes effective on or before January 1, 2004, deletes or
14 extends the dates on which it becomes inoperative and is repealed.

15 SEC. 7. Section 8027 of the Business and Professions Code
16 is amended to read:

17 8027. (a) As used in this section, “school” means a court
18 reporter training program or an institution that provides a course
19 of instruction approved by the board, and is approved by the
20 Council for Private Postsecondary and Vocational Education, is a
21 public school in this state, or is accredited by the Western
22 Association of Schools and Colleges.

23 (b) A court reporting school shall be primarily organized to
24 train students for the practice of shorthand reporting, as defined in
25 Sections 8016 and 8017. Its educational program shall be on the
26 postsecondary or collegiate level, and shall be a residence
27 program; its educational program shall not be a correspondence
28 program. It shall be legally organized and authorized to conduct
29 its program under all applicable laws of the state, and shall
30 conform to and offer all components of the minimum prescribed
31 course of study established by the board. Its records shall be kept
32 and shall be maintained in a manner to render them safe from theft,
33 fire, or other loss. The records shall indicate positive daily and
34 clock-hour attendance of each student, apprenticeship and
35 graduation reports, high school transcripts or equivalent, or
36 self-certification of high school graduation or equivalency,
37 transcript of other education, and student progress to date.

38 (c) Any school intending to offer a program in court reporting
39 shall notify the board within 30 days of the date on which it
40 provides notice to, or seeks approval from, the California

1 Department of Education, the Council for Private Postsecondary
2 and Vocational Education, the Chancellor's Office of the
3 California Community Colleges, or the Western Association of
4 Schools and Colleges, whichever is applicable. The board shall
5 review the proposed curriculum and provide the school tentative
6 approval, or notice of denial, within 60 days of receipt of the
7 notice. The school shall apply for provisional recognition pursuant
8 to subdivision (d) within no more than one year from the date it
9 begins offering court reporting classes.

10 (d) The board may grant provisional recognition to a new court
11 reporting school upon satisfactory evidence that it has met all of
12 the provisions of subdivision (b) and this subdivision. Recognition
13 may be granted by the board to a provisionally recognized school
14 after it has been in continuous operation for a period of no less than
15 three consecutive years from the date provisional recognition was
16 granted, during which period the school shall provide satisfactory
17 evidence that at least one person has successfully completed the
18 entire course of study established by the board and complied with
19 the provisions of Section 8020, and has been issued a certificate to
20 practice shorthand reporting as defined in Sections 8016 and 8017.
21 The board may, for good cause shown, extend the three-year
22 provisional recognition period for not more than one year. Failure
23 to meet the provisions and terms of this section shall require the
24 board to deny recognition. Once granted, recognition may be
25 withdrawn by the board for failure to comply with the
26 requirements of this section.

27 (e) Application for recognition of a court reporting school shall
28 be made upon a form prescribed by the board and shall be
29 accompanied by all evidence, statements, or documents requested.
30 Each branch, extension center, or off-campus facility requires
31 separate application.

32 (f) All recognized and provisionally recognized court reporting
33 schools shall notify the board of any change in school name,
34 address, telephone number, responsible court reporting program
35 manager, owner of private schools, and the effective date thereof,
36 within 30 days of the change. All of these notifications shall be
37 made in writing.

38 (g) A school shall notify the board in writing immediately of
39 the discontinuance or pending discontinuance of its court
40 reporting program or any of the program's components. Within



1 two years of the date this notice is sent to the board, the school shall
2 discontinue its court reporting program in its entirety. The board
3 may, for good cause shown, grant not more than two, one-year
4 extensions of this period to a school. If a student is to be enrolled
5 after this notice is sent to the board, a school shall disclose to the
6 student the fact of the discontinuance or pending discontinuance
7 of its court reporting program or any of its program components.

8 (h) The board shall maintain a roster of currently recognized
9 and provisionally recognized court reporting schools including,
10 but not limited to, the name, address, telephone number, and the
11 name of the responsible court reporting program manager of each
12 school.

13 (i) The board shall maintain statistics which display the number
14 and passing percentage of all first-time examinees, including, but
15 not limited to, those qualified by each recognized or provisionally
16 recognized school and those first-time examinees qualified by
17 other methods as defined in Section 8020.

18 (j) Inspections and investigations shall be conducted by the
19 board as necessary to carry out this section.

20 (k) All recognized and provisionally recognized schools shall
21 print in their school or course catalog the name, address, and
22 telephone number of the board. At a minimum, the information
23 shall be in 8-point bold type and include the following statement:
24

25 “IN ORDER FOR A PERSON TO QUALIFY FROM A
26 SCHOOL TO TAKE THE STATE LICENSING
27 EXAMINATION, THE PERSON SHALL COMPLETE A
28 PROGRAM AT A RECOGNIZED SCHOOL. FOR
29 INFORMATION CONCERNING THE MINIMUM
30 REQUIREMENTS THAT A COURT REPORTING PROGRAM
31 MUST MEET IN ORDER TO BE RECOGNIZED, CONTACT:
32 THE COURT REPORTERS BOARD OF CALIFORNIA;
33 (ADDRESS); (TELEPHONE NUMBER).”
34

35 (l) Each court reporting school shall file with the board, not
36 later than June 30 of each year, a current school catalog which
37 shows all course offerings and staff, and for private schools, the
38 owner, except that where there have been no changes to the catalog
39 within the previous year, no catalog need be sent. In addition, each
40 school shall also file with the board a statement certifying that the

1 school is in compliance with all statutes and the rules and
2 regulations of the board, signed by the responsible court reporting
3 program manager.

4 (m) No school offering court reporting shall make any written
5 or verbal claims of employment opportunities or potential
6 earnings unless those claims are based on verified data and reflect
7 current employment conditions.

8 (n) Any person teaching an academic course, that is a course
9 other than machine shorthand or typing, in a court reporting
10 program shall meet one of the following criteria:

11 (1) Possess a minimum of an Associate of Arts degree and, in
12 addition, either a minimum of two years of experience teaching the
13 subject being taught or at least two years' work experience in a job
14 substantially related to the subject being taught.

15 (2) Possess a current license as a certified shorthand reporter
16 and, in addition, either a minimum of two years of experience
17 teaching the subject being taught or at least two years' work
18 experience in a job substantially related to the subject being taught.

19 (3) Possess a minimum of four years' experience teaching the
20 subject being taught or a minimum of four years' work experience
21 in a job substantially related to the subject being taught.

22 (4) Possess a minimum of a Bachelor of Arts or Bachelor of
23 Science degree in the subject being taught.

24 (o) The pass rate of first-time exam takers for each school
25 offering court reporting shall meet or exceed the average pass rate
26 of all first-time test takers for a majority of examinations given for
27 the preceding three years. Failure to do so shall require the board
28 to conduct a review of the program. In addition, the board may
29 place the school on probation and may withdraw recognition if the
30 school continues to place below the above described standard on
31 the two exams that follow the three-year period.

32 (p) A school shall not require more than one 10 minute
33 qualifying examination, as defined in the regulations of the board,
34 for a student to be eligible to sit for the state certification
35 examination.

36 (q) The board shall require a school to provide a student's
37 attendance information of examination applicants to the board.

38 (r) The board shall, by September 1, 2001, do the following by
39 regulation:

(1) Establish the format that shall be used by schools to report tracking of all attendance hours and actual timeframes for completed coursework.

(2) Require schools to provide, and full-time students to attend, a minimum of 10 hours of live dictation class each school week for every full-time student.

(3) Require schools to provide students with the opportunity to read back from their stenographic notes a minimum of one time each day to his or her instructor.

(4) Require schools to provide students with the opportunity to practice with a school-approved speed-building tape, or other assigned material, a minimum of one hour per day after school hours as a homework assignment and provide the notes from this tape to their instructor the following day for review.

(5) Develop standardization of policies on the use and administration of qualifier examinations by schools.

(6) Define qualifier exam as follows: The qualifier exam shall consist of 4-voice testimony of 10-minute duration at 200 wpm and graded at 97.5 percent accuracy with a syllabic density, ranging from no less than 1.3 to not more than 1.5; and not less than 130 to not more than 150 syllables per 100 words, and in accordance with the guidelines followed by the board. Schools shall be required to date and number each qualifier and announce the date and number to the students at the time of administering the qualifier. All qualifiers shall indicate the actual dictation time of the test and the school shall catalogue and maintain the qualifier for a period of not less than three years to the purpose of inspection by the board.

(7) Require schools to develop a program to provide students with the opportunity to interact with professional court reporters to provide skill support, mentoring, or counseling which they can document at least quarterly.

(8) Define qualifications and educational requirements required of instructors and readers that read test material and qualifiers.

SEC. 8. Section 1.5 of the Osteopathic Act is amended to read:

Sec. 1.5. In addition to the five members of the Osteopathic Medical Board of California as provided for in Section 1, there shall be four public members on the board. The public members shall not be licensees of any board in Division 2 (commencing with

1 Section 500) of the Business and Professions Code nor of any
2 initiative act referred to in that division. The *Governor shall*
3 *appoint two of the public members* ~~shall be appointed by the~~
4 ~~Governor~~ *and the Speaker of the Assembly and the Senate*
5 *Committee on Rules shall each appoint one of the public members.*
6 *The public members shall be appointed* for a term of three years
7 and shall not serve for more than three full consecutive terms.

8 SEC. 9. The support of the budget, accounting, and personnel
9 functions of the Osteopathic Medical Board of California shall be
10 transferred to the Department of Consumer Affairs, effective July
11 1, 2002, unless the executive officer of the board and the director
12 agree to an earlier date.

13 SEC. 10. This act is an urgency statute necessary for the
14 immediate preservation of the public peace, health, or safety
15 within the meaning of Article IV of the Constitution and shall go
16 into immediate effect. The facts constituting the necessity are:

17 In order to ensure that these provisions relating to various
18 licensees take effect at the earliest possible opportunity, it is
19 necessary that this act take effect immediately.

